

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF Nos. 4476, 4549

(Jointly Administered)

URGENT MOTION FOR EXTENSION OF TIME

TO THE HONORABLE COURT:

COMES NOW Plaza Las Américas, Inc. (hereinafter “Plaza”) as landlord under a certain nonresidential real property lease with the Puerto Rico Department of State (“State Department”) for the operation of a passport office at Plaza’s mall property located at 525 Ave. Franklin Delano Roosevelt in San Juan, Puerto Rico. Plaza seeks to extend the time, until January 31, 2019, granted under a letter sent by the Government of Puerto Rico, Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), to determine whether to consent to extend the deadline for the assumption or rejection of the lease between Plaza and the Department of State. In the alternative, Plaza requests that the Court confirm the terms of its Bridge Order of December 21, 2018 [ECF No. 4549].

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Recitals

1. On December 13, 2018, the Financial Oversight and Management Board (“FOMB”), as Representative of the Debtors, filed a Notice of Presentment of Bridge Order Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property Pursuant to Bankruptcy Code Section 365(d)(4) [ECF No. 4476]. The Notice includes conflicting dates of both January 1, 2019 and January 31, 2019.

2. Dated December 14, 2018, AAFAF sent a letter to Plaza granting until December 28, 2018, to affirmatively consent to the extension of the deadline to assume or reject leases, or have the lease deemed rejected on January 1, 2019. See letter, **Exhibit A**.

3. On December 21, 2018, this Honorable Court entered a Bridge Order Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property Pursuant to Bankruptcy Code Section 365(D)(4) [ECF No. 4549](the “Bridge Order”). The Bridge Order extends the deadline for the Debtors to assume or reject real property leases until January 31, 2019, unless a landlord has affirmatively denied consent to an extension. Thus, the order grants until January 31, 2019, rather than until January 1, 2019 and requires a landlord to deny consent, rather than affirmatively consent.

4. On December 27, 2018, the undersigned contacted Atty. Luis Marini by E-mail, as instructed by the letter sent by AAFAF, to discuss the extension of the lease between Plaza and the State Department and was informed that the January 1, 2019 deadline could not be extended.

5. On even date, the State Department contacted Plaza’s leasing office requesting a meeting on December 28, 2018, to discuss the extension of the lease. A meeting was held at the executive offices of the State Department. On behalf of the State Department, Attorneys Eduardo F. Arosemna, Maria Marcano and Marianne Cortina were present and on behalf of Plaza, Attorney Milton J. Rua. The State Department indicated that it is interested in continuing to lease the

premises at Plaza, since it has operated a passport office in that locale for more than twenty-five years, and the State Department made certain offers. The State Department also requested that Plaza file a motion requesting an extension of time to make a determination regarding the lease, while the parties discuss the terms of a new lease and repayment of reduced post-petition arrears.

6. The undersigned again communicated with Attorney Luis Marini on December 28, 2018, by E-mail and attempted to communicate with him by phone. As of this time, no response has been received to the E-mail or the phone message.

Request for Relief

Since AAFAF has taken the position that the deadline cannot be extended, Plaza requests that the Court either confirm the deadline of January 31, 2019, included in its Bridge Order [ECF No. 4549] or that Plaza be granted an extension of time, until January 31, 2019, to make a determination as to the lease between it and the State Department.

Certification

Pursuant to Paragraph I.H. of the Seventh Amended Notice, Case Management and Administrative Procedures [ECF No. 4086-1], Plaza hereby certifies that it has carefully examined the matter and concludes that there is a true need for an urgent remedy; it has not created the urgency through any lack of due diligence; and has made a bona fide effort to resolve the matter through reasonable, good-faith communications. Plaza has no knowledge as to whether there will be an objection.

Notice

Plaza has provided notice of this motion through filing it in CM/ECF, which will provide notice to the Office of the United States Trustee, AAFAF, the FOMB and all parties filing a notice of appearance in these Title III cases. The motion is also being forwarded to swaindcprcorresp@nysd.uscourts.gov in compliance with the Seventh Amended Notice, Case

Management and Administrative Procedures and to Plaza's designated contact at the Puerto Rico Department of State, Atty. Marianne Cortina: mcortina@estado.pr.gov. Through the filing, the motion will also be available through Prime Clerk. Plaza submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, Plaza respectfully requests that the Court either confirm the deadline of January 31, 2019, included in its Bridge Order [ECF No. 4549] or that Plaza be granted an extension of time, until January 31, 2019, to make a determination as to the lease between it and the Puerto Rico Department of State. Plaza requests that the Court enter the Proposed Order, **Exhibit B**, and grant such other relief as is just and proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 31st day of December, 2018.

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